

October 13, 2014  
Regular Session

The Bellevue City Council met in regular session on October 13, 2014 at 5:30 p.m. in the Council Chambers with Mayor Pro Tem Gary Feuerbach presiding. The Pledge of Allegiance was recited by all present. The roll call was as follows:

PRESENT: Councilmembers Darla Lawson, Gary Feuerbach, Allen Ernst, Jayson Heiar and Tim Roth. Also present were City Administrator Loras Herrig, City Attorney Steve Kahler and Asst. Chief Dennis Schroeder

ABSENT: Mayor Christopher J. Roling

### **APPROVAL OF AGENDA**

Mayor Pro Tem Feuerbach reviewed the Agenda and declared it approved with the addition of:

Dunn's Detention Basin  
Dunn Street Settlement  
Pemberton Nuisance Abatement

### **CLOSED SESSION**

Ernst moved with a second by Heiar to enter Closed Session Pursuant to Iowa Code Section 21.5(1)(C) Pending Litigation at 5:35 p.m. Roll call vote carried unanimously.

The City Council returned to regular session at 6:23 p.m.

### **CONSENT AGENDA**

Lawson moved with a second by Roth to approve the Consent Agenda. Motion carried unanimously.

- A. Approve minutes of 9-15-2014 Regular Session
- B. Approve September Financial Reports
- C. Approve Bills and Claims as Authorized
- D. Approve New Vendors Report
- E. Approve Library Bills and Claims

### **FIRE STATION TOUR**

The tour of the Bellevue Fire Station was rescheduled for November 3, 2014 at 5:30 p.m.

### **SANITATION BUILDING CONSTRUCTION**

The Council agreed to proceed to the bid process on the Sanitation building but to get as many of the items bid separately as possible.

Ernst moved with a second by Heiar to proceed with the bid process on the Sanitation building. Motion carried unanimously.

## **RIVERVUE TRAIL PHASE II**

Signage: Any signage put up has to be approved by the Department of Transportation. The Council decided to wait to see what amount of traffic develops after the trail has been completed. Signs stating that the trail is closed in winter and will not be plowed are needed.

Speed Limit: The Council decided to hold off on requesting the DOT do a speed study until spring.

Payment #1: The first payment of \$53,022.87 to Eastern Iowa Excavating and Concrete has been submitted with the monthly bills and claims.

## **ORDINANCE NO. 401 AMENDING TITLE VI PHYSICAL ENVIRONMENT, CHAPTER 5 UTILITIES – REFUSE COLLECTION, SECTION 6-5-4 OPEN BURNING PROHIBITED, OF THE CITY OF BELLEVUE CODE OF ORDINANCE TO ALLOW BURNING OF CERTAIN MATERIALS ON PROPERTY ZONED C-3 HIGHWAY COMMERCIAL**

Lawson moved with a second by Heiar to approve the second reading of Ordinance No. 401. Roll call vote carried unanimously.

Heiar then moved with a second by Ernst to waive the third reading and pass Ordinance No. 401 into law upon publication. Roll call vote carried unanimously.

## **ORDINANCE NO. 401**

## **AN ORDINANCE AMENDING TITLE VI PHYSICAL ENVIRONMENT, CHAPTER 5 UTILITIES – REFUSE COLLECTION, SECTION 6-5-4 OPEN BURNING PROHIBITED, OF THE CITY OF BELLEVUE CODE OF ORDINANCES TO ALLOW BURNING OF CERTAIN MATERIALS ON PROPERTY ZONED C-2 HIGHWAY COMMERCIAL**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEVUE, IOWA, AS FOLLOWS:**

**Section 1.** TITLE VI PHYSICAL ENVIRONMENT, CHAPTER 5 UTILITIES-REFUSE COLLECTION, SECTION 6-5-4 OPEN BURNING PROHIBITED, of the City of Bellevue Code of Ordinances is hereby amended by adding the following subsections:

6. Property Zoned C-2 Highway Commercial. The disposal by open burning of wood pallets, cardboard, and shipping materials on real property within the corporate city limits zoned C-2 Highway Commercial provided that the location of the open burn pit shall not be closer than one hundred fifty (150) feet from any building situated on adjoining land for which the titleholder is a person or entity other than the person or entity conducting the open burn. Any such open burning shall comply with the limits for emission of visible air contaminants established by the Iowa Department of Natural Resources. At such time as the open burning of the above-referenced material is deemed by the appropriate

municipal authorities to constitute a nuisance the open burning shall be abated in the manner provided in Title III Community Protection, Chapter 2 Nuisances of the City of Bellevue Code of Ordinances, which abatement may require, among other remedies, relocation of the offending open burn pit or that the open burning cease and desist.

7. Variance. Any person wishing to conduct open burning of material not exempted under this Ordinance may make application for a variance to the executive director of the Iowa Department of Natural Resources.

**Section 2. Repealer.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 3. Severability.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**Section 4. Effective Date.** This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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Christopher J. Roling, Mayor

Attest:

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Loras Herrig, City Administrator

### **DUNN SECOND ADDITION SUBDIVISION DETENTION BASIN**

The Dunn Family has completed the necessary improvements to the detention basin. It is now the City's responsibility to maintain the property.

### **DENNIS PETESCH**

Lawson moved with a second by Heiar to direct the City Attorney to prepare the necessary paperwork to obtain a permanent easement from Dennis Petesch to reach the City's communication tower and reservoir. The Utility Board has agreed to pay half of the cost. Motion carried unanimously.

### **DUNN STREET SETTLEMENT**

Roth moved with a second by Ernst to direct the City Attorney to prepare the proper paperwork to settle the Dunn Street ownership issue with Bob Lucke. Motion carried unanimously.

### **PEMBERTON NUISANCE ABATEMENT**

Heiar moved with a second by Lawson to direct the City Attorney to process the appropriate paperwork for a hearing on the Ruling on Notice to Abate Nuisance or Condition of the Henry Pemberton property. The hearing will be October 20, 2014 at 6:30 p.m. Motion carried unanimously.

## **RURAL WATER QUESTION**

County Sanitarian Frank Frieberg is working on a grant package for a water supply system for the Spruce Creek area. Frieberg is asking if the City would consider selling water either in bulk or to the owners individually. The Council would be willing to consider the option if there would be no cost to the City.

## **RESOLUTION NO. 19-14A AMENDING RATES FOR BELLEVUE COMMUNITY CENTER RENTAL EFFECTIVE JANUARY 1, 2015**

Ernst moved with a second by Heiar to approve Resolution No. 19-14. Roll call vote carried unanimously.

### **RESOLUTION NO. 19-14A**

A RESOLUTION AMENDING RATES FOR BELLEVUE COMMUNITY CENTER RENTAL EFFECTIVE JANUARY 1, 2015

WHEREAS, the City of Bellevue owns and operates a Community Center facility, and

WHEREAS, this facility is available to the general public for rental,

NOW, THEREFORE, Be It Resolved that the following rental rates are hereby established,

#### **Community Center Rental Rates**

\$125.00 Per Day Plus \$100.00 Damage Deposit (Damage Deposit will be returned if facility is left clean and undamaged)

Non-Profit Organizations (Free-No Damage Deposit Required) – This is limited to non-profit organizations serving the residents of Bellevue.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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City Administrator

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Mayor

## **SEVENTH STREET PROJECT**

The City will get \$25,000 from the Regional Planning Affiliation (R.P.A.) for the Seventh Street Project. This project will replace water lines and the street from State Street to Park Street on

Seventh Street. The Utility Board has agreed to proceed with engineering on the project if the City agrees. The Council agreed to proceed with their portion of the project.

### **BELLEVUE AREA CHAMBER, BETA AND COUNCIL PLANNING MEETING**

A Planning meeting with Bellevue Area Chamber, BETA and City Council will be November 12, 2014 at 6:00 p.m. at the Bellevue Community Center. Mark Schneider of E.C.I.A. will facilitate the meeting. JCEA Director Dave Heiar would like to participate.

### **RESERVE OFFICER HIRING**

Heiar moved with a second by Lawson to approve hiring Alex Higgins as a reserve officer. Motion carried unanimously.

### **BILLS AND CLAIMS**

The following Bills and Claims were paid as approved:

Bellevue Development Inc.	2 <sup>nd</sup> Qtr. Hotel Motel Tax	4231.18
Treas. State of Iowa	Sales Tax 9/1-15/2014	1754.00
IRS	Fed. W.H./S.S./Medicare	9518.87
Treas. State of Iowa	3 <sup>rd</sup> Qtr. Consumer Use Tax	1454.00
IRS	S.S./Fed. W.H./Medicare	9580.50
Treas. State of Iowa	Sales Tax 9/16-30/2014	2658.00
IPERS	Retirement	12905.82
Treas. State of Iowa	State Withholding	3321.00
Ia. Workforce Dev.	Unemployment Ins.	1229.85
Nieland Refrigeration	C.C. Walk In Cooler Compressor	4561.86
Second Street Station	Roadway Misc.	33.44
Janet Carrier	Refund Amb. Call	250.00
U.S. Post Office	Postage	808.50
Assurant Emp. Benefits	City Life Ins.	155.76
Medical Assoc. Health Ins.	City Health Ins.	18765.08
Black Hills Energy	City Gas Utility	536.20
A&P Graphics	F.D. Expense	1071.00
Advanced Media Tech.	Cable Equipment	889.88
Al's Painting &Power Washing	Public Works Bldg, Maint. Exp.	450.00
Alexis Fire Equipment	F.D. Expense	5160.19
American Funds	Payroll W.H.	2020.00
Anderson Masonry	Park Improv. Expense	2603.64
ATS Petro	Fuel Purchase	800.55
BBC America	Programming Charges	268.27
Bellevue Emergency Svcs.	Police – Training Expense	56.00
Bellevue Lumber	Supplies	83.99

Bellevue Municipal Utilities	Utilities	4533.38
Bellevue Sand &Gravel	Rdwy. Materials	366.24
Bellevue State Bank	Cable TV Payment	9545.50
Bender Foods	Supplies	23.71
Big Ten Network	Programming Charges	1191.53
Bob's Marine	F.D. Fire Expense	22929.26
Bret Margeson	Reimb. – F.D. Exp.	191.45
Broughton Auto Repair	Comm. Ctr. Bldg. Maint.	750.00
Card Center	Amb./F.D. Training Expense	4032.63
Casey's	Fuel Purchase	1398.61
CCP Industries	Public Works Clothing Allow.	146.60
Central United Life Ins.	Cancer Ins.	269.66
Cindy Blake	Training Reimb. Expense	305.10
City of Bellevue	City of Bellevue- Trsf.	12352.56
City of Bellevue	Strm. Wtr. To D.S./Park St.Prj. Pymt.	4647.00
City of Bellevue	LOT Funds to D.S. for Pmt.	4344.91
Clark's Saw Center	Tree Maint. Expense	502.10
CNH Capital	Equipment MaintExp	131.89
Comcast Sportsnet	Programming Charges	2500.02
Dennis Gerardy	City Hall Bldg. Maint. Expense	205.00
Dennis Schroeder	Reimb. – Parks Exp./Pol. Exp.	505.46
Discovery Communications	Programing Charges	482.44
Discovery Family Channel	HUB Programming Charges	120.61
Dubuque Networking Svc.	Computer Conversion Expense	2566.00
Eastern Ia. Excav. & Concrete	RivervueTrail Prj. – Pymt. #1	53022.87
Eastern Ia. Excav. & Concrete	Jefferson Ave. Pj. Final Pmt.	29342.29
Emergency Medical Products	Operating Supplies	325.10
Emergency Svc. Marketing Corp.	F.D. Training Expense	16.63
Fidelity Bank	Cable TV Payment	9545.50
Frank Construction	Rdwy. Materials/Park Maint. Exp.	305.00
Heming Pest Control	F.D. Bldg. Maint. Exp.	600.00
I Wireless	Public Works Cell Phone	2.38
IAMU	ECIASSO Dues	404.25
Ia. Mun. Workers Comp	Audit Premium Adjust	2035.00
IIW P.C.	Engineering Fees	18129.26
Innovative Systems	Quarterly License Fees	1547.24
Ia. Emergency Med. Svcs. Assoc.	Amb. Membership Dues	700.00
Ia. Networking Services	Video Transp./Programming Fees	5418.10
Ia. Prison Industries	Street Signs	96.80
Jac. Co. Regional Health Ctr.	Amb. Intercept Call	159.00
Jac. Co. Humane Soc.	Animal Control	190.00

John Deere Financial	Clothing Allowance	263.24
Kirkwood	F.D. Training	156.00
KCRG	Programming Charges	570.00
Kent Clasen	Reimb. F.D. Expense	230.51
KLJB/KGCW	Programming Charges	950.00
Kone Inc.	Elevator Maint.	219.99
KWQC	Programming Charges	836.00
LaMotte Telephone Co.	Internet/Video Transport	16160.00
Lampe True Value	Supplies	416.95
Lyn Medinger	Reimb. – Training Expense	79.00
Maquoketa Valley Elec. Coop	Security Light	12.27
Med. Alliance Group Inc.	Ambulance Supplies	260.20
Medical Associates	F.D. Medical Expense	253.00
Midwest Business Prod.	Copier Expense	251.76
Midwest Concrete	Sealing Reconst. Expense	3266.00
National Cable TV Coop	Programming Charges	25128.53
NFPA	F.D. Dues/Training Materials	545.20
NICC Bus. & Comm. Solutions	Amb./F.D. Training Expense	330.00
Nieland Refrigeration	Comm. Ctr. Equip. Repair	282.88
Paramount EMS	Paramedic Assist	300.00
Physicians Claims Co.	Ambulance Billing Expense	896.51
Petty Cash	Reimbursement	58.01
Physio Control	Ambulance Eqpt.	462.70
Reliable	Office Supplies	305.82
RFD TV	Programming Charges	47.68
River Valley Energy	Fuel Purchase	1258.74
Roeder Bros.	Equip. Maint. Expense	396.90
Roeder Outdoor Power	F.D. Equip Maint Expense	103.82
Ruth Sieverding	Monthly Maint. Expense	810.00
Sandry Fire Supply	F.D. Equip. Maint.	480.00
Schoenthaler,Bartelt,Kahler,Reicks	Legal Fees	2605.00
Showtime Networks Inc.	Programming Charges	232.26
Sinclair Televising Group	KGAN/KFXA Programming	1140.00
Stacey Heiar	F.D./ Bldg. Maint. Expense	100.00
Star Equipment	Roadway Equipment	3995.00
StoreyKenworthy	Utility Bills	652.20
Superior Welding	Ambulance Supplies	148.87
T&W Grinding	Composting Contract	1750.00
Tandem Tire	Rdwy. Eqpt. Maint. Expense	2740.88
The Car Wash	Fuel Purchase	2005.55
The Herald Leader	Publication	458.16

Till's Garage	Vehicle Maintenance	930.30
Tower Distribution Co.	Programming Charges	146.06
Tribune Media Services	EPCO Guide	547.17
Truck Country	Equip. Maint. Expense	249.89
U.S. Post Office	Stamps	808.50
U.S. Cellular	Cell Phone Charges	371.23
Unity Point Health	Internet Transport	4000.00
Universal Electric	Cable Supplies	28.98
Waste Authority of Jac. Co.	Tipping Fees	5100.00
Weber Paper Co.	Supplies	88.56
Weldon Tire Co.	Equip. Maintenance	1718.48
WHBF	Programming Charges	684.00
Windstream	Telephone Service	431.80
Zee Medical	Medical Supplies	19.75
IRS	S.S./Fed.W.H./Medicare	9277.47
IPERS	Retirement	12627.31
Treas. State of Iowa	Withholding	3219.00
Bellevue Development	Developer's TIF	54111.49
Doug Hefel	Developer's TIF	7471.31
Jeff Michels	Developer's TIF	1352.31

### **LIBRARY BILLS AND CLAIMS**

The following Bills and Claims were paid as approved:

Baker & Taylor	Library Gift Fund	1311.26
Cavendish Square	Library Books	234.90
Ia. Communications Network	Telephone	10.26
Ken Walsh	Equip. Rep/Maint.	120.29
Lampe True Value	Eqpt. Rep/Maint.	22.99
Marty Jess	Bldg. Repair/Maint.	220.00
Midwest Business Prod.	Computer/Copier Expense	138.89
Patricia Jackson	Memberships	109.00
Petty Cash/Misc.	Postage	96.74
Superior Lamp Inc.	Bldg. Repair/Maint.	447.05
Twin Oaks Lumber LLC	Library Gift Fund	463.68
Windstream	Utilities	64.43

### **RECEIPTS AND DISBURSEMENTS**

The following amounts were received or expended in the month of September:

General	167034.01	116931.69
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**SUB FUNDS**

P.I.L.O.T.	2500.00	
Library Gift	1236.58	1774.94
L.O.T. Prop. Tax Red.	7698.07	
Reserve Accounts		1127.46
Museum	70.00	319.71
Franchise Prop. Tax	802.23	
Franchise Streets	802.22	56229.00
<b>SPECIAL REVENUE</b>		
Streets Cap Fund		3425.64
Park Imp. Project	3000.00	
LOT Street Dept.	9610.80	87966.82
Fire Dept. Cap. Fund	50.00	
Employee Benefits	25313.46	
T.I.F. Fund	33070.85	50601.88
Debt Service	18271.75	
Road Use Tax	17472.75	25058.32
<b>PROPRIETARY FUNDS</b>		
Ambulance	12456.12	6812.72
Telecommunication	96931.88	106382.79
Sanitation	32536.93	32519.81
Water	27521.40	71020.04
Electric	217645.26	235154.80
Elec. Cap. Impr.	15060.07	
Customer Deposits	1573.00	1214.00
Sewer	39532.69	25547.35
Storm Water Fund	6128.60	6070.58
<b>TOTALS</b>	<b>736318.67</b>	<b>828157.55</b>

**ADJOURNMENT**

As there was no further business to come before the Council Ernst moved with a second by Roth to adjourn at 7:13 p.m. Motion carried unanimously.

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City Clerk

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Mayor Pro Tem